

UNITED STATES DISTRICT COURT  
COUNTY OF SOUTHERN DST. NEW YORK

RITA FLYNN

- against-

Plaintiff(s)

Index No. 07 CIV. 5821

AFFIDAVIT OF SERVICE  
OF:SUMMONS AND COMPLAINT IN A  
CIVIL ACTION

NEW YORK STATE DIVISION OF PAROLE, ET AL Defendant(s)

STATE OF NEW YORK: COUNTY OF WESTCHESTER ss:

PETER DEL BENE BEING DULY SWORN DEPOSES AND SAYS DEPONENT IS NOT A PARTY  
TO THIS ACTION AND IS OVER THE AGE OF EIGHTEEN YEARS AND RESIDES IN THE STATE OF NEW YORK.

That on 08/03/07 at 1525 Hours at 3 COTTAGE PLACE NEW ROCHELLE, NY 10801

deponent served the within SUMMONS AND COMPLAINT IN A CIVIL ACTION

on

MICHAEL BURDI, AS REGIONAL DIRECTOR, OF NEW YORK

therein named,

STATE DIVISION OF PAROLE

INDIVIDUAL by delivering a true copy of each to said personally; deponent knew the person so served to be the person described as said person  
therein. (S) He identified (her) himself as such.CORPORATION a (domestic) (foreign) corporation by delivering thereat a true copy of each to  
personally, deponent knew said corporation so served to be the corporation described in legal papers and knew said  
individual to beSUITABLE AGE PERSON by delivering thereat a true copy of each to  
a person of suitable age and discretion. Said premises is recipient's (actual place of business) (dwelling house) (usual place of abode)  
within the state.  (S) He identified (her) himself as CAFFIXING TO DOOR, ETC. by affixing a true copy of each to the door of said premises, which is recipient's (actual place of business) (dwelling house) (usual place  
of abode) within the state. Deponent was unable, with due diligence to find recipient or a person of suitable age and discretion, thereat,  
having called there on the dates below: DMAILING USE WITH C or D Deponent also enclosed a copy of same in a postpaid sealed wrapper properly addressed to the above recipient  
atsaid wrapper in (a post office) official depository under exclusive care and custody of the United States Postal Service  
within New York State.

Deponent further states that he describes the person actually served as follows

| Sex  | Skin Color | Hair Color | Age (Approx.) | Height (Approx.) | Weight (Approx.) |
|------|------------|------------|---------------|------------------|------------------|
| MALE | WHITE      | SALT/PEPPR | 48            | 5'10             | 240              |

MUSTACHE

MILITARY SERVICE

Person spoken to was asked whether the recipient(s) was (were) in the military service of the State of New York or the United  
States and received a negative reply. Upon information and belief based upon the conversation and observation as aforesaid  
deponent avers that the recipient(s) is (are) not in the military service of the State of New York or the United States as that term is  
defined in the statutes of the State of New York or the Federal Soldiers and Sailors Civil Relief Act.That at the time of such service deponent knew the person (s) so served as aforesaid to be the same person (s) mentioned and described  
as the defendant(s) in this action.USE IN  
NYC CIVIL CT.

The language required by NYCRR 2900.2(e), (f) &amp; (h) was set forth on the face of said summons (es).

Sworn to before  
me on the  
08/06/07GERI L. ALBERT  
Notary Public, State of New York  
No. 01AL5047399  
Qualified in Westchester County  
Commission Expires July 31,

PETER DEL BENE

LICENS No.

Client File # 671589

# 148326

## AFFIDAVIT OF NON-SERVICE

State of New York

Southern Dist. County

U. S. District Court

\* \* \* \* \*

\*

Rita Flynn

\*

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vs

\*

Index No.: 07 civ. 5821

Filed On: June 20, 2007

New York State Division of Parole and Michael Burdi,

\*

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\* \* \* \* \*

STATE OF NEW YORK , COUNTY OF ALBANY

Christopher Warner

, being duly sworn deposes and says:

that deponent is over 18 years of age, that on several occasions deponent attempted to serve the above-named within the

County of Albany, State of New York, by going to the last known address  
of said Michael Burdi, as Regional Director, of the New York State Division of Parole and after due diligence, deponent  
has been unable to effect service because:

The NYS Division of Parole Counsel cannot accept service on behalf of its Regional Directors. They only accept service on behalf of the Division, the Commissioner, and the Chairman.

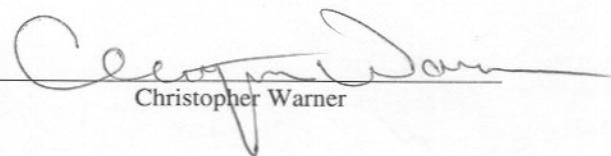
Attempts were made for service as follows:

Date Time Place

7/23/07 10:45 am 97 Central Ave., Albany, NY

Sworn to before me on this

24th day of July, 2007


  
Christopher Warner

  
**FAITH COZZI**  
 Notary Public, State of New York  
 Qualified in Albany County  
 Reg. No. 01CO6158874  
 Commission Expires January 8, 2011

Invoice•Work Order # 0715486